what the investigating officers knew prior to the arrest. (App. 11, n. 9).

The Seventh Circuit noted that it was puzzled by Judge Coffey's discussion of irrelevant after-arrest-acquired facts, including later-acquired knowledge about JR's medical history, the district attorney's later decision not to charge Anderer, subsequent investigations of Anderer's arrest, statements and affidavits given after Anderer's arrest containing information that was not made known to arresting officers, photographs of JR that were developed after the arrest, and statements made by identifications technicians after the arrest. (App. 11, n. 9). The Seventh Circuit's puzzlement perhaps was caused by the dissent citing after-arrest acquired facts in support of its opinion, but at the same time making no argument that the well-established rule that "[t]he existence of probable cause turns on the information known to the officer at the moment the arrest is made, not of subsequently-received information," *Spiegel v. Cortese*, 196 F.3d 717, 723 (7th Cir. 2000), should be changed to allow consideration of after-acquired facts to determine whether an accusatory witness had been reliable.

The premise of Anderer's and the dissent's probable cause argument is that before a police officer may decide whether probable cause exists, the investigating officers must interview every witness, pursue every lead, gather every record, and consult with any expert who might shed light on the suspect's behavior. But their premise is not supported by the well-established law of probable cause and, if adopted, would delay the arrest of suspects until the completion of criminal investigations and thereby

unnecessarily increase the danger to the public generally, and to crime victims and witnesses particularly.

CONCLUSION

The petition should be denied.

Respectfully submitted on the 17th day of October, 2005.

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